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BEFORE THE ARIZONA CORPORATION COMMISSION

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CARL J. KUNASEK
CHAIRMAN

JUL 06 2000

JIM IRVIN
COMMISSIONER
WILLIAM A. MUNDELL
COMMISSIONER

DOCKETED BY

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DOCUMENT CONTROL

IN THE MATTER OF THE APPLICATION OF
REFLEX COMMUNICATIONS, INC. FOR A
CERTIFICATE OF CONVENIENCE AND
NECESSITY TO PROVIDE FACILITIES-BASED
AND RESOLD LOCAL EXCHANGE,
EXCHANGE ACCESS, AND INTEREXCHANGE
TELECOMMUNICATIONS SERVICES AND
PETITION FOR COMPETITIVE
CLASSIFICATION OF PROPOSED SERVICES

DOCKET NO. T-03768A-99-0443

PROCEDURAL ORDER**BY THE COMMISSION:**

On August 4, 1999, ReFlex Communications, Inc. ("Applicant" or "ReFlex") submitted to Docket Control of the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide facilities-based and resold local exchange, exchange access, and interexchange telecommunications services statewide. As part of its application, Applicant asks that the telecommunications services that it intends to provide be found "competitive."

Applicant is required to publish notice of its filing in newspapers in all counties where service is to be provided. The record shows that the Applicant has not published notice.

The Commission's Utilities Division Staff ("Staff") filed a Staff Report on June 19, 2000. Accordingly, the matter should be set for hearing.

Pursuant to Commission Rules, the time frame for processing this application may be extended.

Pursuant to A.A.C. R14-3-101, the Commission now issues this Procedural Order to govern the preparation and conduct of this proceeding.

IT IS THEREFORE ORDERED that the time frame for processing this application shall be extended to October 5, 2000 to allow the Company additional time to publish notice.

IT IS FURTHER ORDERED that the hearing on the above application and petition of

Applicant shall commence on September 7, 2000 at 10:00 a.m., or as soon thereafter as is practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona 85007.

IT IS FURTHER ORDERED that Applicant shall publish notice of its filing, as stated below, in newspapers in every county in Arizona in which Applicant desires to provide service by August 3, 2000, and shall file Affidavits of Publication with the Commission no later than September 1, 2000.

**NOTICE OF APPLICATION FOR A CERTIFICATE
OF CONVENIENCE AND NECESSITY TO PROVIDE FACILITIES-BASED AND RESOLD
LOCAL EXCHANGE, EXCHANGE ACCESS,
AND INTEREXCHANGE TELECOMMUNICATIONS SERVICES AND
PETITION FOR COMPETITIVE CLASSIFICATION OF PROPOSED SERVICES
BY REFLEX COMMUNICATIONS, INC.**

ReFlex Communications, Inc. ("Applicant") has filed with the Arizona Corporation Commission ("Commission") an application for a Certificate of Convenience and Necessity ("Certificate") to provide facilities-based and resold local exchange, exchange access, and interexchange telecommunications services in the State of Arizona. Applicant will be required by the Commission to provide this service under the rates and charges and terms and conditions established by the Commission.

The application, report of the Commission's Utilities Division Staff, and any written exceptions to the staff report prepared by the applicant are available for inspection during regular business hours at the offices of the Commission located at 1200 West Washington Street, Phoenix, Arizona 85007, and at Applicant, [address].

Under appropriate circumstances, interested parties may intervene in the proceedings and participate as a party. You may have the right to intervene in the proceeding, or you may make a statement for the record. Intervention shall be in accordance with A.A.C. R14-3-105, except that all motions to intervene must be filed on or before August 23, 2000 **by 12 noon**. Persons desiring to intervene must file a written motion to intervene with the Commission and send such motion to the Company or its counsel and to all parties of record, and which at the minimum, shall contain the following:

1. The name, address, and telephone number of the proposed intervenor and of any party upon whom service of documents is to be made if different than the intervenor.

2. A short statement of the proposed intervenor's interest in the proceeding (e.g. a customer of the company, a shareholder of the company, a competitor, etc.).

3. A statement certifying that a copy of the motion to intervene has been mailed to the Company or its counsel and to all parties of record in the case.

A.A.C. R14-3-105 shall govern the granting of motions to intervene. The granting of intervention, among other things, entitles a party to present sworn evidence at the hearing and to cross-examine other witnesses. However, failure to intervene will not preclude any interested person or entity from appearing at the hearing and making a statement on their own behalf. The hearing is scheduled to commence on September 7, 2000 at 10 a.m. at the Arizona Corporation Commission, 1200 West

1 Washington Street, Phoenix, Arizona 85007. Please check with the Commission for
any changes to the scheduled hearing date.

2 If you have any comments, mail them to:

3 The Arizona Corporation Commission
4 Attention Docket Control
5 re: ReFlex Communications, Inc.
6 T-03768A-99-0443
7 1200 West Washington Street
8 Phoenix, Arizona 85007

9 All written comments should be received by September 1, 2000.

10 If you have any questions about this application, or want information on
11 intervention, you may contact the Consumer Services Section of the Commission at
12 1200 West Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

13 The Commission does not discriminate on the basis of disability in admission
14 to its public meetings. Persons with a disability may request a reasonable
15 accommodations such as sign language interpreter, as well as request this document in
16 an alternative format, by contacting Cynthia Mercurio-Sandoval, ADA Coordinator,
17 voice phone number 602/542-0838, E-Mail csandoval@cc.state.az.us. Requests
18 should be made as early as possible to allow time to arrange the accommodation.

19 IT IS FURTHER ORDERED that intervention shall be in accordance with A.A.C. R14-3-105,
20 except that all motions to intervene must be filed on or before August 23, 2000.

21 IT IS FURTHER ORDERED that any objections to motions to intervene must be filed on or
22 before August 28, 2000.

23 IT IS FURTHER ORDERED that all intervenors shall file specific disagreements/comments,
24 if any, regarding the application and Staff Report on or before September 1, 2000 **by 12:00 noon**.

25 IT IS FURTHER ORDERED that the Applicant shall file specific disagreements/comments,
26 if any, to the Staff report on or before September 1, 2000 **by 12:00 noon**.

27 IT IS FURTHER ORDERED that all intervenors, Staff, and Applicant shall file on or before
28 September 1, 2000 **by 12:00 noon**, a list of witnesses and subject area(s) to be covered at the hearing
in this matter.

IT IS FURTHER ORDERED that discovery shall be as permitted by law and the rules and
regulations of the Commission, except that every effort shall be made to respond within 48 hours of
receipt; the response time may be extended by mutual agreement of the parties involved if the request
requires an extensive compilation effort.

IT IS FURTHER ORDERED that in the alternative to filing a written motion to compel

discovery, any party seeking discovery may telephonically contact the Commission's Hearing Division to request a date for a procedural hearing to resolve the discovery dispute; that upon such request, a procedural hearing will be convened as soon as practicable; and that the party making such a request shall forthwith contact all other parties to advise them of the hearing date and shall at the hearing provide a statement confirming that the other parties were contacted.¹

IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

DATED this 6th day of July, 2000.


STEPHEN GIBELLI
ADMINISTRATIVE LAW JUDGE

Copies of the foregoing mailed/delivered this 6th day of July, 2000 to:

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Deborah Scott, Director
Utilities Division
ARIZONA CORPORATION COMMISSION
1200 West Washington Street
Phoenix, Arizona 85007

¹ The parties are encouraged to attempt to settle discovery disputes through informal, good-faith negotiations before seeking Commission resolution of the controversy.

1 ARIZONA REPORTING SERVICE, INC.
2 2627 N. Third Street, Suite Three
3 Phoenix, Arizona 85004-1104

4 By:


5 Debbi Person
6 Secretary to Stephen Gibelli
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